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15 Attorneys for Defendant THE BOARD  
OF TRUSTEES OF THE LELAND  
16 STANFORD JUNIOR UNIVERSITY

17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA  
19 SAN JOSE DIVISION

20 JANE DOE,

21 Plaintiff,

22 v.

23 STANFORD UNIVERSITY,

24 Defendant.

Civil Action No.: 3:16-cv-06973-EMC

**JOINT CASE MANAGEMENT**

**STATEMENT & [PROPOSED] ORDER**

1 The parties to the above-entitled action jointly submit this JOINT CASE MANAGEMENT  
2 STATEMENT & PROPOSED ORDER pursuant to the Standing Order for All Judges of the Northern  
3 District of California dated July 1, 2011 and Civil Local Rule 16-9.

4  
5 1. Jurisdiction & Service

6 The court has jurisdiction over the subject matter of Plaintiff's claims pursuant to 28 U.S.C. 1331 and  
7 1367 as this is an action alleging violation of federal civil rights under Title IX of the Education  
8 Amendments of 1972. No issues exist as to personal jurisdiction or venue and no parties remain to be  
9 served.

10  
11 2. Facts

12 The parties agree that Plaintiff was a student at Stanford University and that in 2014 she reported being  
13 physically and sexually assaulted by another student who had prior allegations of violence made  
14 against him. Stanford investigated Plaintiff's report and ultimately found that student responsible for  
15 some of the allegations and he was banned from the University campus for a period of ten years, which  
16 was later extended to fifteen years due to a separate complaint.

17  
18 Plaintiff alleges that prior to her abuse, Defendant received other reports of physical and sexual  
19 violence perpetrated by the same male student and that Defendant failed to meaningfully respond to  
20 those reports. As such, Plaintiff alleges that Defendant left a known dangerous individual on campus  
21 which caused Plaintiff to be subjected to physical and sexual assault.

22  
23 Defendant alleges that Defendant received a report in 2012 naming the same male student Plaintiff  
24 later reported against in 2014. The student making a report in 2012 refused to go forward with an  
25 investigation and disciplinary process against the male student. Defendant instituted remedial  
26 accommodations at the reporting student's request and determined not to bring disciplinary charges  
27 against the male student over the reporting student's objections and without her cooperation. When  
28 Plaintiff came forward in 2014, Defendant investigated the allegations against the male student,

1 including the allegations from the 2012 report, even though the reporting student from 2012 again  
2 refused to participate or cooperate.

3  
4 3. Legal Issues

5 Plaintiff contends that though there are many factual issues regarding the sufficiency of Defendant's  
6 actions, it is too early to identify specific legal issues in the matter other than those suggested by  
7 Defendant below.

8  
9 Defendant contends that the legal issues to be addressed in this matter include: the scope of  
10 Defendant's duties and obligations under Title IX, specifically the duty to bring disciplinary charges  
11 against a student when the complaining witness refuses to cooperate; and the Defendant's duties and  
12 obligations under the Family Educational Rights and Privacy Act, specifically Defendant's restriction  
13 from sharing student information, including disciplinary records, with other students.

14  
15 4. Motions

16 Plaintiff anticipates filing a motion to amend the case styling to identify defendant as "The Board of  
17 Trustees of the Leland Stanford Junior University, AKA Stanford University" instead of "Stanford  
18 University." This Motion will be filed prior to the case management conference and is not opposed.

19  
20 Plaintiff currently has an unpaid balance for tuition and other fees owing to Stanford due in part to  
21 errors and issues with her billing statements due in part to alleged errors and issues with her billing  
22 statements. Plaintiff has sought the University's assistance in resolving those issues and anticipates  
23 settling her balance once those issues are resolved. Defendant anticipates seeking leave to bring a  
24 counterclaim for these amounts in the event Plaintiff does not resolve the balance due soon.

1    5. Amendment of Pleadings

2    At this time, there are no anticipated amendments to the pleadings. Defendant notes, however, that  
3    paragraph 60, p. 22:21 of the Answer reads “Ms. B took a leave of absence in fall 2014”; the reference  
4    to 2014 is in error, Ms. B’s leave of absence took place in fall 2013.

5  
6    6. Evidence Preservation

7    The parties have reviewed the Guidelines Relating to the Discovery of Electronically Stored  
8    Information. The parties met via telephone on February 16<sup>th</sup>, 2017, regarding reasonable and  
9    proportionate steps taken to preserve evidence relevant to the issues reasonably evident in this action.

10  
11    Defendant requested that Plaintiff’s counsel confirm whether they have instructed witnesses named  
12    fictitiously in the Complaint (Ms. A and Ms. B) to preserve relevant evidence, and whether such  
13    witnesses are represented by Plaintiff’s counsel so that we know whether Defendant can communicate  
14    with them directly. Plaintiff’s initial disclosures indicate that Ms. A can be contacted through  
15    Plaintiff’s counsel, and that Ms. B can be contacted through her personal contact information. This  
16    afternoon, Plaintiff’s counsel stated that they are not representing Ms. A or Ms. B. Defendant would  
17    like the Court’s assistance in getting clarity on these issues at the Case Management Conference.

18  
19    7. Disclosures

20    The parties exchanged initial disclosures pursuant to Fed. R. Civ. P. 26 including lists of persons with  
21    relevant information, lists of relevant documents in possession of the parties, and any insurance  
22    policies that may provide coverage for any of the claims on Tuesday, March 7, 2017, by agreement.  
23    Plaintiff has provided available damage calculations and will supplement as soon as she receives  
24    additional information regarding such disclosures.

25    Defendant objects to Plaintiff’s failure to provide damage calculations at this time and failure to meet  
26    and confer with Defendant about this omission.  
27  
28

1 8. Discovery

2 To date, no discovery has been taken. The parties anticipate both written and testimonial discovery  
3 and believe the presumptive limits of each should be sufficient.  
4

5 The parties have conferred on a protective order and though both agree that such an order should be  
6 imposed, they disagree as to the language of that order. Specifically, Plaintiff believes it would be  
7 useful to have an order that includes an “attorney eyes only” provision. Defendant believes the parties  
8 should enter into the standard protective order for the Northern District.

9 The parties have also conferred regarding the extent and manner of e-discovery and do not request any  
10 further orders of the court on those issues at this time.  
11

12 There are no identifiable discovery disputes at this time.  
13

14 9. Class Actions

15 There is no class action in this matter.  
16

17 10. Related Cases

18 The Department of Education is conducting an investigation in part based upon the allegations made in  
19 Plaintiff’s complaint pursuant to a complaint submitted to the Department of Education, Office for  
20 Civil Rights on July 23, 2015. The matter number for the Department of Education, Office for Civil  
21 Rights is 09-15-2407.  
22

23 11. Relief

24 Plaintiff is seeking reimbursement and prepayment for all of her expenses incurred as a consequence of  
25 the assaults including medical and mental health expenses, damages to her educational benefits and  
26 opportunities provided by Stanford which will include impact to her grades, opportunities, and  
27 graduation date and other past and future economic damages. Plaintiff is also seeking damages for  
28

past, present, and future emotional pain and suffering, and loss of past, present, and future enjoyment of life in an amount to be determined by the jury.

12. Settlement and ADR

In September 2016, the parties attended a JAMS mediation prior to the filing of the lawsuit, but were unsuccessful in settling the dispute. The parties filed a Stipulation to ADR on March 7, 2017. The parties agree to mediation through the court's panel-appointed mediator process or a settlement conference with a magistrate judge, but request that the date of the ADR be determined at a later date.

13. Consent to Magistrate Judge For All Purposes

*Whether all parties will consent to have a magistrate judge conduct all further proceedings including trial and entry of judgment.*    ☐ YES    ☒ NO

14. Other References

The parties do not believe that the case requires or is suitable for any other references.

15. Narrowing of Issues

The parties are willing to work on narrowing of issues before trial. However, the parties will need to conduct discovery before they will be able to identify those issues.

16. Expedited Trial Procedure

The parties do not believe that this case can be resolved through an expedited trial procedure.

17. Scheduling

Fact discovery completed: September 15, 2017  
Plaintiff's expert reports completed: October 13, 2017  
Defendant's expert reports completed: November 13, 2017  
Expert depositions completed: December 15, 2017

1 Dispositive motion deadline: January 26, 2018

2  
3 18. Trial

4 The parties anticipate a trial by jury of 5-7 days in length.

5  
6 19. Disclosure of Non-party Interested Entities or Persons

7 Defendant filed its Rule 7.1 Disclosure Statement and Civil Local Rule 3-15 Certification on December  
8 8, 2016, certifying it has no interested entities to report.

9  
10 20. Professional Conduct

11 All attorneys of record for the parties have reviewed the Guidelines for Professional Conduct for the  
12 Northern District of California.

13  
14 21. Other

15 The parties wish to inform the Court that Magistrate Judge Sallie Kim is a likely witness in the matter  
16 due to her part-time contractor role with respect to Title IX matters for Stanford when she was in  
17 private practice.

1 DATED: March 9, 2017

Respectfully submitted,

2 HUTCHINSON BLACK AND COOK, LLC.

3 By: /s/ John C. Clune

4 John C Clune

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26 By: /s/ Sarah G. Flanagan

27 Sarah G. Flanagan

28 Attorneys for Defendant The Board Of Trustees of  
the Leland Stanford Junior University



CASE MANAGEMENT ORDER

The above JOINT CASE MANAGEMENT STATEMENT & PROPOSED ORDER is approved as the Case Management Order for this case and all parties shall comply with its provisions. [In addition, the Court makes the further orders stated below:]

IT IS SO ORDERED.

Dated:

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UNITED STATES DISTRICT/MAGISTRATE JUDGE